

Applicant/Serial No.: Nicholas F. D'Antonio et al. / 10/730,147
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Examiner/Group: Timothy Lewis Maust / 3751
Response to Office Action mailed: 02/ 10 / 2006
Attorney File: DA0589US (#90036)

REMARKS

The Office Action dated November 10, 2005 is acknowledged. According to the Office Action, the traversal to the restriction requirement that was filed on September 12, 2005 had been found not persuasive by the Examiner because the subcombinations were deemed to be separately usable as indicated in the restriction. Accordingly, claims 21-37, 45-51 and 53-55 were withdrawn from further consideration.

Referring to the Office Action dated August 8, 2005, the restriction requirement was set forth because the claims were stated to be in two groups. Group I consisted of claims 1-20, which were "drawn to an apparatus for filling a cartridge." Group II was directed to claims 21-37, 45-51 and 53-55, which were "drawn to an apparatus for directing fluid."

Claim 21 in the present amendment was amended in a manner generally consistent with claim 1, namely that it defines apparatus for filling a cartridge. Claim 22 depends from claim 21. Claim 23 has further been amended so that it recites a system for filling fluid cartridges from a container, the cartridges being defined in the same general manner as they are defined in claim 1 as currently amended. Claims 24-36 all depend from claim 23. Therefore, it is respectfully submitted that the claims in their present form belong in Group I according to the restriction requirement set forth in the Office Action dated August 8, 2005. As a practical matter, it is furthermore respectfully submitted these added claims should not require substantially more time to examine since much of their subject matter was already searched with respect to claims 1-20, the claims in the previously-elected Group I.

According to the Office Action dated November 10, 2005, claim 14 has been allowed. This claim defines the cartridge as having a piston for establishing the end of the cartridge opposite the orifice end of the cartridge, where the piston moved away from the orifice end to determine the amount of fluid to be held in the cartridge. This recitation is now included in claim 1 as well as in claims 2-14 which depend from claim 1; claim 15 along with claims 16-20 depending from claim 15; claim 21 with its dependent claim 22; and claim 23 with claims 24-37, 45-51 and claims 53-55 which depend from claim 23.

The following claims were rejected under 35 U.S.C. 102(b). Claims 1-4 and 6 were rejected as being anticipated by U.S. Patent No. 4,697,622 (Swift et al.). Claims 1-3, 5, 6, 9 and 10 were rejected as being anticipated by U.S. Patent No. 4,432,755 ((Pearson). Claims 1-12 and 15 were rejected as being anticipated by U.S. Patent No. 5,329,976 (Haber et al.).

Claims 13, 14 and 16-20 were objected to as being dependent upon a rejected base claim, but were indicated to include allowable subject matter. The applicants appreciate the Examiner's finding in this regard.

Claim 13 was one of the claims that has been allowed. This claim has been written in independent form. It is respectfully submitted that this claim should be allowed. Claims 3, 4 and 10 have been amended to depend from claim 13, and it is requested that they be allowed since they include the limitations of their parent claim. Likewise, claims 7 and 8, which depend from claim 4 and eventually from claim 13, should be allowed as well.

Claim 14, which was also stated to include allowable subject matter, has been rewritten in independent form as well. It is requested that this claim be allowed.

Claim 16, also indicated to include allowable subject matter, has been rewritten in independent form as well. It is respectfully submitted that this claim, along with its dependent claims 17-20, all of which have been stated as including allowable subject matter, be allowed too.

Claims 2, 9, 11 and 12 have been canceled, since they are included in amended claim 13.
Claim 15 has also been canceled.

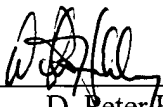
As explained above, claim 21 was amended so that it recited apparatus for filling a fluid cartridge, and it was respectfully requested that claim 21 and its dependent claim 22 be part of the elected group. Claim 21 is similar to claim 14, which was stated as including allowable subject matter, in that it recites structure for supporting the piston in the cartridge to establish the maximum content of the fluid cartridge. It is requested that claim 21 be allowed along with its dependent claim 22.

Claims 23-37 and claims 45-51 are now believed to also fit within the elected group with respect to the restriction requirement, and it is requested that they be examined as well.

New claim 56 has been added to the application. Claim 56 is similar to original claim 1 and the allowable recitation from claim 14. It is submitted that there is no prior art that can support the rejection of original claim 1 along with structure for limiting the amount that the piston can move in a cartridge in response to the fluid in the cartridge to establish the maximum content of the fluid cartridge. For this reason, it is requested that claim 56 be allowed.

The Examiner is invited to telephone the undersigned if there are any aspects of this application that could be discussed to expedite its prosecution.

Respectfully submitted,

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